

1 BARRY J. PORTMAN
2 Federal Public Defender
3 JOYCE LEAVITT
4 Assistant Federal Public Defender
5 555 12th Street, Suite 650
6 Oakland, CA 94607-3627
7
8 Counsel for Defendant MURDOCK

9
10
11 IN THE UNITED STATES DISTRICT COURT
12
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA

14
15 UNITED STATES OF AMERICA,)
16 v.) No. CR 07-0618 SBA
17 Plaintiff,)
18) STIPULATION AND
19) ORDER REFERRING CASE FOR
20) COMPETENCY HEARING
21)
22 STEVEN K. MURDOCK,)
23)
24 Defendant.)
25

26
27 Defendant Steven K. Murdock and the government, through undersigned counsel, hereby
28 stipulate and jointly move that the Court conduct a hearing to determine the mental competency of
29 the defendant, pursuant to 18 U.S.C. §4241(a). The parties further stipulate and jointly move that
30 the Court order that a neuropsychiatric examination be conducted of the defendant and filed with the
31 Court in accordance with 18 U.S.C. §4241(b). The parties jointly recommend that the examination
32 be conducted by Dr. Jonathan Mueller, M.D., a neuropsychiatrist affiliated with San Francisco
33 Clinical Neurosciences whose area of expertise is psychiatry and neuroscience as it relates to the
34 identification and treatment of Alzheimer's and other dementia -related illnesses. The reason for the
35

1 requested competency evaluation is that Steven K. Murdock has been diagnosed with Alzheimer's
2 disease. His affairs are currently being handled by a conservator. In addition, a state court judge in
3 a civil case which was pending against Mr. Murdock in 2006 found Mr. Murdock incompetent to
4 proceed in the civil matter after Mr. Murdock was evaluated by a neuropsychologist in connection
5 with that matter. While the standard for competency in a federal criminal case may differ from the
6 standard which applied to the state civil matter, the parties agree that an evaluation is necessary.
7

8 The parties further stipulate and agree that the time until the next status appearance on April
9 29, 2008 should be excluded under the Speedy Trial Act pursuant to 18 U.S.C. §3161(h)(1)(A)
10 because of the need to conduct examinations and judicial proceedings to determine the competency
11 of the defendant.
12

13 DATED: April 2, 2008

/S/

14 JOYCE LEAVITT
15 Assistant Federal Public Defender

16 DATED: April 2, 2008

/S/

17 THOMAS MOORE
18 Assistant United States Attorney

19 **SIGNATURE ATTESTATION**

20
21 I hereby attest that I have on file all holograph signatures for any signatures indicated by
22 a "conformed" signature (/S/) within this e-filed document.
23
24
25
26

ORDER

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that a hearing be conducted to determine the mental competency of the defendant in accordance with 18 U.S.C. §4241(a).

IT IS FURTHER ORDERED that a psychiatric examination be conducted of the defendant by Dr. Jonathan Mueller, M.D. and filed with the Court in accordance with 18 U.S.C. §4241(b).

IT IS FURTHER ORDERED that the time from now until the next status date, currently scheduled for April 29, 2008, at 9:00 am., be excluded under the Speedy Trial Act, pursuant to 18 U.S.C. §3161(h)(1)(A) because of the need to conduct examinations and judicial proceedings to determine the mental competency of the defendant.

SO ORDERED.

DATED: 4/7/08

HON. SAUNDRA BROWN ARMSTRONG
United States District Judge